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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/390,497	09/03/1999	GERALD HOFER	GR-97-P-1273	7018

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EXAMINER

SWERDLOW, DANIEL

ART UNIT

PAPER NUMBER

2644

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/390,497

Applicant(s)

HOFFER ET AL.

Examiner

Daniel Swerdlow

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 03 September 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 September 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 3 March 1997. It is noted, however, that applicant has not filed a certified copy of the DE19708525A application as required by 35 U.S.C. 119(b).

Drawings

The drawings are objected to under 37 CFR 1.83(o) because descriptive legends are necessary for understanding of the drawings. Descriptive legends for references 2, 8, 12, 14, 16, 31 and 32 are required in Figure 1. Descriptive legends for references 45 through 48, 53 through 56 and 61 through 67 are required in Figure 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Ozeki (Japanese Patent JP408251370A).

3. Claim 1 claims a communications system comprising at least one subscriber terminal having an input for inputting call numbers. Ozeki discloses a facsimile terminal that corresponds to the subscriber terminal claimed and has operation keys for input of a subscriber's number (i.e.,

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an input for inputting call numbers) (paragraph 0006). Claim 1 further claims a subscriber line unit having an adjustable transmission characteristic connected between the subscriber terminal and a transmission network. Ozeki discloses a modem section (Fig. 1, reference 11; paragraph 0007) and a network control section (Fig. 1, reference 12; paragraph 0007) that together correspond to the subscriber line unit claimed and are connected between the facsimile terminal that corresponds to the subscriber terminal claimed and the PSTN that corresponds to the transmission network claimed and have controllable transmitting level and speed (paragraph 0011) that correspond the adjustable transmission characteristic claimed. Claim 1 further claims a recognition unit for recognizing a particular call number pattern and outputting control signals corresponding to a call number pattern. Ozeki discloses recognition of a previously contacted telephone number (Fig. 4, reference 101; paragraph 0011) that inherently includes a recognition unit and initiating action based on that recognition (Fig. 4, reference 103; paragraph 0011) that inherently includes outputting corresponding control signals. Claim 1 further claims a control unit connected between the recognition unit and the subscriber line unit for adjusting the adjustable transmission characteristic of the subscriber line unit in dependence on the control signals from the recognition unit. Ozeki discloses setting transmitting level and transmission speed (i.e., adjustable transmission characteristics) of the modem that corresponds to the subscriber line unit claimed based on the called telephone number (abstract) that inherently includes control by signals from a recognition unit. Therefore, Ozeki anticipates all elements of Claim 1.

4. Claim 5 claims the system of Claim 1 further comprising a memory unit for storing in a combinational logic table a logic combination of a transmission characteristic of the subscriber

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line unit with the control signals. As stated above apropos of Claim 1, Ozeki anticipates all elements of that claim. In addition, Ozeki discloses a memory section (Fig. 1, reference 2; abstract) that corresponds to the memory unit claimed and makes a correspondence between transmission level that corresponds to the transmission characteristic claimed and information corresponding to a called number that corresponds to the control signal claimed (abstract), inherently forming a combinational logic table. Therefore, Ozeki anticipates all elements of Claim 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki in view of Schwartz (US Patent 4,805,208).

7. Claim 2 claims the system of Claim 1 wherein the transmission network has an adjustable transmission characteristic, the control unit transmits an acknowledgement signal to the transmission network after the transmission characteristic of the subscriber line has been set, and the transmission network subsequently adapts its adjustable transmission characteristic to a changed transmission characteristic of the subscriber line unit. As stated above apropos of Claim 1, Ozeki anticipates all elements of that claim. Therefore, Ozeki anticipates all elements of Claim 2 with the exception of the transmission network having an adjustable transmission

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characteristic, the control unit transmitting an acknowledgement signal to the transmission network after the transmission characteristic of the subscriber line unit has been set, and the transmission network subsequently adapting its adjustable transmission characteristic to a changed transmission characteristic of the subscriber line unit. Schwartz discloses a system in which a network has a voice transmission mode and a data transmission mode (i.e., an adjustable transmission characteristic) (column 3, lines 6-10), a modem that corresponds to the control unit claimed transmits an answering tone that corresponds to the acknowledgement signal claimed (column 5, lines 60-64) when transmitting data as opposed to voice (i.e., after its characteristic has been set) and the network adapts to the transmission mode (i.e., adapts its transmission characteristic) accordingly (column 3, lines 6-10). It would have been obvious to one skilled in the art at the time of the invention to apply network adaptation as taught by Schwartz to the system taught by Ozeki for the purpose of increasing data transfer rates.

8. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki in view of Fette et al. (US Patent 5,612,948).

9. Claim 3 claims the system of Claim 1 wherein the transmission network has an adjustable transmission characteristic, the system further comprises a device connected in the transmission network for checking a transmission quality of a connection of a subscriber terminal, and if the transmission quality is a relatively higher transmission quality, matching the transmission quality of the transmission network accordingly. As stated above apropos of Claim 1, Ozeki anticipates all elements of that claim. Therefore, Ozeki anticipates all elements of Claim 3 with the exception of the system further comprising a device connected in the transmission network for

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checking a transmission quality of a connection of a subscriber terminal, and if the transmission quality is a relatively higher transmission quality, matching the transmission quality of the transmission network accordingly. Fette discloses a radio, symbol rate predictor, data rate controller and symbol rate controller combination (Fig. 5, reference 60, 70, 72, 74; column 5, line 65-66, column 6, lines 42-45, 54-58) that corresponds to the device claimed and checks a bit error rate (i.e., transmission quality) of a connection to a subscriber terminal and adjusts a symbol rate (i.e., transmission quality) of the network to a maximum symbol rate consistent with (i.e., matching) the quality of the connection to the subscriber terminal (column 6, lines 4-8). It would have been obvious to one skilled in the art at the time of the invention to apply matching of network quality to subscriber connection quality as taught by Fette to the system taught by Ozeki for the purpose of conserving network bandwidth.

10. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozeki.

11. Claim 4 claims the system of Claim 1 wherein the subscriber line unit includes one of a coding unit having a variable coding characteristic adjustable by the control unit, a filter unit having a frequency response adjustable by the control unit, an amplifier unit having a variable gain/attenuation adjustable by the control unit and an impedance matching unit having an impedance adjustable by the control unit. As stated above apropos of Claim 1, Ozeki anticipates all elements of that claim. In addition, as stated above apropos of Claim 1, Ozeki discloses a modem section and a network control section that together correspond to the subscriber line unit claimed and have controllable transmitting level. Therefore, Ozeki is shown to teach all elements of Claim 4 with the exception of using a variable gain/attenuation unit to control

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transmitting level. Examiner takes Official Notice of the fact that use of a variable gain/attenuation unit to control transmit level was well-known in the art. It would have been obvious to one skilled in the art at the time of the invention to apply a variable gain/attenuation unit, as was well known, to the system taught by Ozeki for the purpose of controlling transmitting level.

12. Claim 6 claims the system of Claim 1 further comprising a computer unit programmed to calculate a logic combination of a transmission characteristic of the subscriber line unit with the control signals from those control signals. As stated above apropos of Claim 1, Ozeki anticipates all elements of that claim. In addition, Ozeki discloses a memory section (Fig. 1, reference 2; abstract) that makes a correspondence between transmission level that corresponds to the transmission characteristic claimed and information corresponding to a called number that corresponds to the control signal claimed (abstract). Therefore, Ozeki anticipates all elements of Claim 6 with the exception of using a computer to calculate the logic combination. Examiner takes Official Notice of the fact that use of a computer unit to perform logical calculations was well-known in the art. It would have been obvious to one skilled in the art at the time of the invention to apply a computer unit, as was well known, to the system taught by Ozeki for the purpose of more flexibly associating called numbers with transmitting levels.

Conclusion

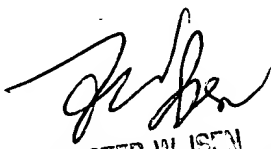
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Swerdlow whose telephone number is 703-305-4088. The examiner can normally be reached on Monday through Friday between 8:00 AM and 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forrester Isen can be reached on 703-305-4386. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

ds
February 28, 2003


FORRESTER W. ISEN
SUPERVISOR OF THE EXAMINER
2600